

**Water Resources Coordinating Council
Floodplain Subcommittee
Stormwater Work Group**

AGENDA & MINUTES

**Monday, July 27th, 10am-12pm
Wallace State Office Building
Conference Room 3E & 3W**

Conference Call information...If you cannot attend, please feel free to dial-in:

Dial: 1-866-685-1580

Conference Code: 0009991912

- I. **Introduction (list of attendees at end of minutes)**
- II. **Review of HF 756**
HF 756 requires the WRCC to “develop recommendations for policies and funding promoting a watershed management approach to reduce the adverse impact of future flooding on this state's residents, businesses, communities, and soil and water quality” and to submit these recommendations to the Governor and General Assembly by 11/15/09.
- III. **Specific Goal**
Promulgation and implementation of statewide storm water management standards; and pervious pavement, bioswales, and other urban conservation practices
- IV. **Questions to Answer (see NEXT MEETING)**
- V. **Potential Resources, so far**
RIAC 120-day report
www.rio.iowa.gov/wrcc/assets/RIAC_Recommendation_Excerpts.pdf

Iowa Stormwater Management Manual recommendations
<http://www.ctre.iastate.edu/pubs/stormwater/index.cfm>

Green Paper (draft), Rebuild Iowa Office
www.rio.iowa.gov/community_recovery/green_paper.html

Green Streets Criteria, Iowa Department of Economic Development
www.iowalifechanging.com/community/downloads/green-criteria08.pdf

Floodplain Paper, Iowa Department of Natural Resources
www.rio.iowa.gov/wrcc/assets/DNR_issue_discussion.pdf

VI. **Recommended Funding and Policy Suggestions**

- Legislative Recommendations/Possibilities – SF458, SF367, HF338
- Identify existing funding sources and gaps
 - IDALS
 - IDNR

VII. **Tentative timeline**

- July 27th – Stormwater work group
- August 4th – WRCC Floodplain Subcommittee Chairs
- August 17th – Stormwater work group
- August 25th – WRCC Floodplain Subcommittee Chairs
- August 31st – Stormwater work group
- September 11th – WRCC Floodplain Subcommittee Chair, 10-12pm
WRCC Meeting, 1-3pm

DISCUSSION

Background

HF 756 requires the WRCC to “develop recommendations for policies and funding promoting a watershed management approach to reduce the adverse impact of future flooding on this state's residents, businesses, communities, and soil and water quality” and to submit these recommendations to the Governor and General Assembly by 11/15/09.

- HF 2400 created the Water Resources Coordinating Council (WRCC), which has met three times since December 2008
- HF756 tasked WRCC with submitting funding and policy recommendations
- Subcommittee will review recommendations from each work group and compile recommendations to present to the WRCC. Bill Ehm and Chuck Gipp are co-chairs of subcommittee.
- There is a strong desire to include an educational component in the work groups’ recommendations.
- Four work groups created from Subcommittee: Lowland, Upland, Stormwater management, Flood plain regulation and management
- Over the next few months, stormwater work group recommendations will be presented to the WRCC Floodplain Subcommittee, then to the WRCC
- Resources, documents, minutes can be found at www.rio.iowa.gov/wrcc/index.html

Watershed Connection

- Watersheds should go beyond city limits
- Need to look at a comprehensive approach, including rural and urban areas
- Need guidance on watershed assessment; bringing rural and urban together
- Must think across political boundaries
- Currently, IDNR uses a HUC12 scale; though not a lot of experience with urban areas, IDNR is beginning to work on urban end of things with focus on the Impaired Waters List. Watershed group must show how project is improving water

quality to receiving funding. Further, the watershed plans are monitored and reviewed every five years and funding is phased in as the project progresses.

- Issue – potential disconnect –
 - Cities want assistance regarding stormwater issues
 - State focuses on Impaired Waters

Stormwater Issues

- Stormwater management is currently designed for small floods
- Stormwater is related to urban runoff
- Over 95% of the rain that falls is less than 0.5 inch
- Forty-three cities are required to do some type of stormwater management
- Fifty-two of the cities in the State have less than 500 people
 - Should there be a stronger focus on those cities with a bigger adverse environmental impact?
- Should the focus be on communities large enough to have an impact downstream and the most structures to protect?
- Channel erosion is huge issue
- Policy of the State for over 40 years has been to regulate at the 1% chance or 100-year floodplain
 - Challenges moving to regulate 0.2% (500-year) versus 0.1% (100-year)
 - And, what does this mean to already-existing properties?
- Limited State staff available for inspection and enforcement of permits, Stormwater Pollution Prevention Plans (SWPPP)
- Not a one-size-fits-all for stormwater management. However, developers and cities want an even playing field for consistency and fairness

Stormwater Management Standards

- Iowa Stormwater Management Manual (ISMM) is a living document and changing fast.
- Looking ahead to a manual for stormwater management standards. EPA uses a phased approach; perhaps, a phased-in approach will work for Iowa
- Use flooded areas first, then MS4s, then mid-size cities, then smaller towns
- If we did agree that the Iowa Stormwater Management Manual is the bigger issue, then how to implement? Phased vs. Targeted approach
- Perhaps, shift to non-point source pollution
- Must look at structural and nonstructural planning, including an overall watershed approach
- Who enforces and reviews stormwater management plans? Would this require additional state funds to be able to review and manage?
- Loess Hills Example
 - Tool beneficial on county level would be a pollution prevention plan
 - Best management practice manual for Loess Hills area that lays out a process for development of a plan, including a funding tool to give jurisdictions, who are interested and want to be proactive rather than reactionary, the ability to

implement. Currently at task force level to develop this tool, including draft ordinance, to present to Board of Supervisors for adoption

- New development
 - Phasing in is fine, but what about new development? New development should be included in a phase in priority list. Some smaller communities are developing rapidly (Indianola) and are not using any stormwater management system. If phased in, retrofitting must be included
 - If building is taking place, new standards should be used.
 - Non-structural as well as structural issues should be used. It has to be on a watershed level, from largest to smallest.
 - Do regulations help?
 - Yes, having teeth helps having a statewide plan is needed
 - Provides direction for consultants and their clients
 - Provides consistency on a statewide level for cities to follow.
- Cross reference Iowa Stormwater Management Manual with a Watershed Manual

Flooding Connection

- We need to help with the impact of future flooding.
- What is our definition of a flood? Larger floods are not heavily impacted by non-structural actions.
- Are we discussing mitigation of future flooding?
- IDNR recently published a 100-Year Flood Paper;
www.rio.iowa.gov/wrcc/assets/DNR_issue_discussion.pdf

What Currently Exists

- Regulatory Requirements
 - Six permits within DNR for stormwater under NPDES program; including stormwater
- Funding Opportunities
 - Three programs
 - Clean Water State Revolving Fund, IDNR & IFA
 - Stormwater Loan Program, IDALS
 - Green Streets, IDED
 - If stormwater practices are tied to funding grants, there could be imposition of costs on people, i.e., use of funding to force an action
 - Would like most benefit; should funding requirements focus on risk reduction? Reduced impact?

Potential Legislative Initiatives

- This work group does not need to use the following for its recommendations; in fact, work group can include new or adjusted policy recommendations to Floodplain Subcommittee. However, three bills were left on the table in 2009 for potential further discussion in 2010.
- Developers trying to avoid set standards/requirements, which is why focus needs to be on watersheds
- Long case history of drainage district laws

- Iowa did have Conservancy Districts in the 1970s, then the laws were removed after reluctance from cities and counties
- Bills listed below are not feasible for cities as they currently stand
- SF458
 - An act authorizing cities to establish stormwater drainage system utility districts for purposes of special assessments. Passed the Senate 32-18 on a primarily partisan vote. The bill ended in the House Ways & Means Committee where it remains alive for discussion in 2010. Subcommittee members are Representatives Donovan Olson, Roger Thomas and Nick Wagner. <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=billinfo&Service=Billbook&menu=false&hbill=SF458>
 - This bill created new fees which became problematic
 - Realtors did not support due increased costs for development
 - Realtors do not support this bill because it increases the cost of development
 - Has the potential to encourage urban sprawl, especially in unincorporated areas
 - Resolution to problem is to address both agricultural and urban runoff
 - Another potential resolution: require an integrated water management plan, like a watershed district, for funds to be awarded rather than a utility district, which imposes fees based on city/county boundaries
 - Other states, including North Carolina, Maryland, Georgia, have successfully created watershed districts
- HF338
 - Relating to stormwater management plans for certain development projects, specifically retention ponds. It currently sits in subcommittee, Whitead, H. Miller, and Schultz. <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=BillInfo&Service=Billbook&ga=83&menu=text&hbill=HF338>
 - Will likely not go anywhere next session
- SF367
 - Requires cities and counties to adopt development standards to address water quantity-quality. Passed the Senate. The bill ended, but now sits in subcommittee, assigned to Whitead, H. Miller, and Schulte. The stormwater management manual could be the standard the cities/counties adopt. <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=billinfo&Service=Billbook&frame=1&GA=83&hbill=SF367>
 - Applies to new development only; does not address retrofit or existing developments or improvements; upstream versus downstream; does not include regulation of ag-sw drainage
 - Smaller communities are scared of this bill; focuses too much on cities
 - From the 1965 to 1993, Davenport suffered from floodplain encroachment more than anything
 - Cities would rather have statewide standards; not city standards
 - Cannot take the ISMM and make it apply to all 99 counties. Is funding unavailable if ISMM is not applied?

- This bill does not say you cannot build; it says you cannot build with state funds if you do not incorporate stormwater management. As a State, we cannot afford to do nothing. Insurance requirements will be a factor also.
- This bill still needs modification for cities to embrace; too arduous for cities to embrace as it currently stands
- Must be clear in tying standards to economic development.
- Cities want a statewide standard so that if one city adopts standards they are not at a disadvantage over other cities
- Can cities still innovate if they follow state standards? Could this be an impediment?
 - Innovation will always happen to move forward beyond minimum standard. Challenge with this standard is switching to 500-year flood plain. What does this do to the properties within that zone? Timeframes are tough due to a lot of educating and other actions needed
 - Recommend: Phase in by growth rates or size of communities rather than on set date
- Are we designing to mitigate development? Next flood may not wait until after the phased in approach to stormwater management is completed.
- Only 43 cities in Iowa are required to do stormwater management now. This is a huge educational challenge for most cities to learn and adapt to this change.
- LIDAR floodplain mapping is due out 2010 or 2011 and will provide access to incredibly accurate data; based on 160 years of past rain fall data and assumption that past flooding and future flooding are related. USGS is involved in regression analysis, which should provide a more accurate picture of risk at any given area when used with the new LIDAR topographic images.
- This bill will not provide public funds to develop within 500-year flood plain unless they mitigate. It does not say that no development can take place
- Insurance costs in hazard area is often cost prohibitive anyway
- Time and concentration of water on the land has decreased. Runoff of water in rural areas is almost instantaneous. Need to hold water where it falls

Overall Suggestions

Education

- This opportunity presents a learning opportunity for an urban conservation program
- Recommend incorporating an educational push on a statewide level

Comprehensive Planning

- Green Paper drafted by RIO presents statewide planning framework based on proposed smart growth principles. Everyone is encouraged to read and provide comment. Submit comments to Jessica, Annette Mansheim or Aaron Todd.
www.rio.iowa.gov/community_recovery/green_paper.html
- Look at other states, specifically North Carolina, Maryland, Georgia

NEXT WORK GROUP MEETING:

- **August 17 at 10:00 AM**, at the Wallace State Office Building, Conference Rooms 3E & 3W.
- Tentative Agenda items; please bring your ideas regarding the following:
 - What are possible non-legislative improvements?
 - If legislation action is needed, what laws need to be amended, or created?
 - Potential funding ideas will be discussed at later part of meeting. THINK BIG!
 - Agenda to come later. Feel free to add to the above as well.
 - Questions to keep in mind:
 - What resources and reports have been reviewed in considering this proposal?
 - Were examples identified of what is working well in the State of Iowa regarding this issue?
 - Were areas identified where improvements could be made?
 - Were examples of best practices identified from the local or regional level in Iowa, or in other states, that should be considered for statewide implementation in Iowa?
 - Outline how improvements can be made without legislative action.
 - If legislation is needed, would it establish new law or revise existing law? (specify Code sections when possible)
 - How would this proposal impact Iowans in a positive or negative way?
 - What agencies does this proposal affect?
 - Are there interest groups or associations that support or oppose this proposal or will present similar proposals themselves?
 - Is this issue similar to any legislation that was filed in the past? What was the outcome?
 - Funding considerations:
 - Multi-year state fiscal Impact (please be as specific as possible, including tax credits and any FTE adjustments).
 - Identify funding source (General Fund or other funds),
 - Whether the proposal includes one-time costs or multi-year costs,
 - Whether there are operating expenditures:

July 27, 2009

Attendees

Name	Association	Email	Telephone	Present
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